

DAILY BULLETIN

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U.S. CONTRIBUTES \$125 MILLION TO THE UN HIGH COMMISSIONER FOR REFUGEES

Contribution will assist more than 17 million refugees around the world

The United States is pleased to announce an initial \$125 million contribution to the United Nations High Commissioner for Refugees (UNHCR) for its 2005 Annual Programs. This contribution will help UNHCR, which is the lead UN agency responsible for providing protection and assistance to the world's refugees, to address the needs of the more than 17 million refugees and other persons of concern and to provide assistance to the following regions:

Africa	\$50.0 million
Near East	\$ 2.9 million
Europe	\$14.1 million
South Asia	\$20.3 million
East Asia	\$ 5.2 million
Western Hemisphere	\$ 4.6 million
Global Operations/Headquarters	
Operational Reserves	\$27.9 million

UNHCR is a key partner in critical humanitarian endeavors in Afghanistan, Iraq, Sudan, Chad, Liberia, Colombia, and elsewhere throughout the world. U.S. support helps ensure refugees' lives and rights are adequately protected; their basic food, shelter, health, and education needs are met; and that they are able to return home once it is safe, or otherwise find a permanent solution to their plight.

The United States believes that the protection and care of refugees and the pursuit of permanent solutions for refugee crises are shared international responsibilities. The United States calls on other donors to strengthen their efforts in support of the programs of the UN High Commissioner for Refugees.

U.S. REMAINS COMMITTED TO EFFORTS TO BUILD A MORE EFFECTIVE UN

Statement on the Report of the High Level Panel on UN Reform

By Ambassador Patrick Kennedy, U.S. Representative to the United Nations for Management and Reform
New York, January 31, 2005

Mr. President,

I would like to thank you and your staff for arranging this meeting and those that will follow to exchange ideas on ways Member States can build a more effective UN capable of meeting the challenges of the Twenty-First Century. The United States appreciates the considerable effort of the sixteen members of the High-Level Panel and welcomes its report.

Let me underscore that the United States remains committed to efforts to build a more effective UN. We are open to looking at all options for UN reform, and will consider many of those of the High-Level Panel. The United States will evaluate any UN reform proposals in terms of whether they would achieve the objective of a more effective, efficient UN able to meet new challenges, consistent with the UN Charter. Deliberations on UN reform should not be limited to the recommendations of the panel's report. These recommendations should be but a first step in a more sweeping introspection and broader reform effort that UN Member States should undertake. Ultimately, broad consensus among Member States - both within the organization as a whole and in regional groups - will be essential to implementing any reforms.

Mr. President,

President Bush, in his remarks in Halifax on December 1, called on other nations to work with us to make multi-

lateral institutions and actions more effective in meeting the unique threats of our time. During his address to the General Debate of the 59th General Assembly on September 21, President Bush emphasized that "the American people respect the idealism that gives life to this organization." He added, "Defending our ideals is vital - but it is not enough. Our broader mission as UN members is to apply these ideals to the great issues of our time. Our wider goal is to promote hope and progress as the alternatives to hatred and violence." The High-Level Panel Report is in the spirit of that noble perspective and gives us a number of proposals, ideas and suggestions that will help us reach agreement on how to reform this body.

I would like to take a moment to address briefly a number of the issues raised by the Panel's extensive report:

- The United States strongly agrees with the Panel's emphasis on the need for a more effective international response to threats posed by terrorism, proliferation of weapons of mass destruction and their means of delivery, and failed states.
- We support the Panel's endorsement of the Proliferation Security Initiative (PSI) and call for compliance with all Security Council resolutions on terrorism and non-proliferation of weapons of mass destruction. We agree that a definition of terrorism needs to exclude state military operations and underscore that the fact of occupation does not justify the targeting and killing of civilians. Further, we commend the Panel's recognition that norms governing use of force by non-State actors have not kept pace with those pertaining to States, and its recommendation that the UN must achieve the same degree of normative strength concerning non-State use of force as it has concerning State use of force. We strongly commend the Report's recommendation that states should join all twelve international terrorism conventions and protocols and adopt the Financial Affairs Task Force (FATF) nine Special Recommendations. We strongly support the Report's call for the Secretary General to promote a strategy to combat terrorism that includes efforts to counter extremism and intolerance.
- The Panel's recommendations for improving UN capabilities on peacekeeping and post conflict peace-building are of interest and should be given careful consideration.
- We strongly support the Report's call for a collective commitment to sustainable growth and poverty eradication.

· We would also like to see a universal commitment in the UN to promoting democracy and market-based economic systems. The Panel also cites a very important principle that comes out of the Monterrey Consensus, namely, each country has primary responsibility for its own economic and social development. The international community can help, but there is no substitute for domestic policies and institutions that promote growth. If the UN system is to be effective, it must help countries implement good governance and market-based policies that encourage entrepreneurship and business formation.

· The Panel's emphasis on confronting the security implications of HIV/AIDS and strengthening international cooperation to contain outbreaks of infectious diseases is particularly important and timely.

· The Panel is going in the right direction with its ideas for Secretariat reform.

Mr. President,

In putting together its recommendations on a Peacebuilding Committee and a Peacebuilding Support Office, the High-Level Panel is rightly focused on the need for better coordination within the UN system and the donor community to plan and manage more effective post-conflict assistance.

We welcome the Panel's focus on human rights. In fact, human rights are reflected throughout the Panel's Report and its recommendations make clear that support for human rights is critical to peace-making as well as peace-building. As a body working to protect and promote human rights around the world, the UN Commission for Human Rights faces a variety of challenges if it is to better meet its mandate. The rigidity of regional groupings, bloc voting on resolutions and the presence of egregious human rights violators on the Commission are, among other things, undercutting the Commission's ability to promote and protect human rights. The attack on country-specific resolutions, the Commission's primary tool in calling attention to specific human rights situations, is troubling.

The United States believes that universalization of the Commission, as recommended by the High-Level Panel, may not be the best way to enhance the effectiveness of the Commission for Human Rights in carrying out its mandate. Instead, the United States believes we need to look at a mix of structural and procedural reforms aimed at improving the Commission's membership and its abil-

ity to implement its vital mandate more effectively. We look forward to further engagement with Member States to ensure that the Commission for Human Rights lives up to its mandate.

Mr. President,

We also applaud the Panel's acknowledgement that the Security Council needs to be more proactive in dealing with increased threats such as terrorism and the proliferation of weapons of mass destruction and must address their means of delivery, and act decisively and earlier.

With regard to the use of force, we will be discussing this matter further, but think that it is important to highlight several aspects today. We agree with the Panel's reaffirmation that Article 51 includes the right of anticipatory self-defense, and that Article 51 should not be re-written. Anticipatory action is an element of the inherent right of self-defense that pre-dates and remains lawful under the UN Charter. We would emphasize that the right of self-defense must today be understood and applied in the context of new threats posed by global terrorism and proliferation of weapons of mass destruction and their means of delivery. In recognition of the inherent and fundamental nature of self-defense, the United States opposes any reinterpretation of the UN Charter that would require Security Council approval as a precondition to a state using force in self-defense.

Mr. President,

I would like to reiterate the United States' position on Security Council reform. The United States remains open to considering recommendations, including those of the High-Level Panel, concerning UN Security Council reform. We will evaluate all proposals to reform the Security Council in terms of their effectiveness. We believe that broad consensus -- both within the organization as a whole and in regional groups -- will be needed to advance any structural reform of the Security Council. In suggesting two models for an expanded Council, the Panel clearly recognizes the significant challenges that the international community must address in considering any Council expansion.

Mr. President,

The United States has long advocated budget reform and wise financial stewardship as well as greater transparency in order to strengthen the UN. We are closely examining the Report's recommendations on strengthen-

ing financial accountability and efficient use of resources in the UN system. We will support initiatives that will ensure greater accountability from the UN, lead to increased transparency, and vastly improve the stewardship of the financial resources contributed by its Member States. I wish to make clear from the outset that implementation of reforms should advance through reprioritizing of resources and people so that the total UN budget and personnel levels do not increase as a result of our efforts.

- First, the United States believes that any reform recommendations that require funding must be offset by reducing obsolete, inefficient and lower-priority programs.

- Second, we should not rush to judgment on those reforms on which we are unlikely to achieve consensus and we should avoid a “package deal” that would link reforms achieved by consensus with those that remain contentious.

- Finally, we believe that those reforms that can be agreed by consensus should be adopted and implemented immediately. We should not delay the implementation of reforms for the sake of having a reform package for the High-Level Event in September of this year.

The United States looks forward to engaging with fellow Member States on ideas that we will be putting forward ideas on budget and administrative reforms

Mr. President,

In conclusion, these remarks represent our preliminary views. We have listened with interest to the views expressed over the last three days and we await the views of other Member States because it is through such dialogue that true progress can be made. We believe that proposals to reform the UN - those of the High-Level Panel as well as others -- deserve full, careful discussion and that the focus of preparations for the High-Level Event to be held on the margins of the 60th General Assembly should remain focused reviewing implementation of the Millennium Declaration. We seek to work together to have the UN live up to its intent, its purposes, its promise. Thank you.

AMBASSADOR SANDERS ON IRAN'S CHOICE REGARDING NUCLEAR WEAPONS

Says Iran should halt weapons program or face political isolation

(The following article by Ambassador Jackie W. Sanders, President Bush's Special Envoy for Nuclear Nonproliferation and the U.S. Representative to the Conference on Disarmament, appeared in The Wall Street Journal on January 28. There are no republication restrictions.)

Iran's Choice

On Nov. 29, 2004, the International Atomic Energy Agency's Board of Governors adopted a resolution that once again deferred reporting Iran to the U.N. Security Council for violations of its IAEA nuclear safeguards agreements. Following the IAEA's certification that Iran had finally begun adhering to the terms of an agreement it struck with Britain, France, and Germany (the “EU-3”) to suspend all activities related to uranium enrichment and reprocessing, the U.S. accepted consensus on the adoption of the resolution. We have, however, substantial reservations and doubts about Iran's good faith. The IAEA director general has described Iran as facing a “confidence deficit.” This is quite right. Iran has repeatedly demonstrated bad faith, and the U.S. has long lost any illusions that Iran's ultimate intentions are peaceful.

Iran's first suspension promise was made under similar circumstances in October 2003, when Iran committed to stop all enrichment-related activities if the Europeans would block U.S. efforts to report Iran to the Security Council for its violations of its IAEA nuclear safeguards agreement. These violations included clandestine efforts, over two decades, to develop a uranium conversion and enrichment capability using equipment and nuclear technology, equipment and designs procured from the A.Q. Khan network -- the same network that supplied equipment and nuclear weapons designs to Libya.

A subsequent IAEA Board of Governors resolution in November 2003 confirmed that Iran had committed multiple “breaches” and “failures” of its safeguards agreement, which, under to the IAEA statute, required the Board to report this to the Security Council. The Board decided, however, to defer such action in order to give an EU-3 diplomatic initiative a chance. This decision was predicated upon Iran's commitment to suspend all enrichment-related activities and upon Iran's statement that

it had provided a complete picture of its nuclear activities to the IAEA in October 2003.

Unfortunately, Iran's October 2003 declaration was not a complete picture: It omitted, for example, its secret work with sophisticated P-2 centrifuges supplied by A.Q. Khan. Over the succeeding year, Iran also proved unwilling to honor its suspension commitments. Iran never stopped producing centrifuge components, and continued to challenge the definition of suspension, adopting new positions diverging from those of its EU-3 negotiating partners and the IAEA. Finally, last summer, Iran repudiated its promises altogether and resumed full-scale work on uranium conversion to produce feedstock for enrichment in the very same centrifuges Iran had pledged (but refused) to stop building.

In November 2004 -- again faced with the prospect of a Security Council referral -- Iran again promised to suspend all enrichment-related activities. Even as Iran notified the IAEA of the agreement, however, it used a different definition of suspension than that contained in the agreement it had just signed with the EU-3. Iran further eroded international confidence by rushing to produce as much uranium feedstock as possible before the suspension deadline.

Delaying proceedings of the IAEA Board, the Iranians then attempted further to revisit the terms of the suspension commitment, by pretending that the agreement's prohibition of "all assembly, installation, testing, or operation" of centrifuges did not in fact prohibit using a number of centrifuges for "research and development" purposes. This ploy was overcome by a last-minute compromise in which the IAEA agreed to use video surveillance of the disputed machines instead of physical seals. Iran's success in negotiating a departure from the IAEA's normal safeguards standards may have implications as a precedent for future IAEA monitoring of suspect sites and equipment -- in Iran and elsewhere.

Iran has committed not to undertake "testing" of its centrifuges, but senior Iranian officials have disputed the meaning of "testing," and Iran may attempt to continue research and development work. Iran has stated that suspension is merely "temporary" and that it will never give up its "right" to enrich uranium.

The U.S. believes Iran is engaged in a clandestine effort to develop nuclear weapons. The portions of Iran's previously secret nuclear program which dissident disclosures and IAEA investigations have revealed represent part,

but not all, of Iran's secret nuclear-related activity. So far, Iran has refused to make the sort of strategic choice we saw Libya make last year: a clear decision to relinquish the pursuit of nuclear weapons.

How can the world help bring Iran to that point? First, the IAEA should not allow Iran a moment's rest until all outstanding questions about Iran's activities are answered. Iran's safeguards violations should be reported to the Security Council as required by the IAEA Statute. If Iran breaks its suspension pledge, the IAEA Board must also report this as a threat to international peace and security. There is no need to remove the issue of Iran from the IAEA, and we do not wish to do so. But there is every reason to involve the Security Council, which has the international legal and political authority that will be necessary to address this situation. Only the Council has the power to require Iran to take all necessary measures to restore international confidence, and to reinforce the IAEA's authority to ensure that we all get the necessary assurances of its peaceful intentions.

Quite apart from how the IAEA chooses to handle the Iran situation, the U.S. reserves all of its options with respect to Security Council consideration of the Iranian nuclear weapons program. After all, under the U.N. Charter, any member may bring to the Council's attention any situation that might endanger international peace and security.

If we take controlling the proliferation of nuclear weapons seriously, we must all work to ensure that non-compliance becomes more costly than compliance. The EU-3 and other Board members must make clear to Iran that it faces a stark choice. The choice is between continued noncompliance with its NPT (Nuclear Non-Proliferation Treaty) obligations -- which will only put Iran under greater diplomatic, political, and economic isolation -- or verifiably and irreversibly abandoning its nuclear weapons program and ending its destabilizing pursuit of uranium enrichment and plutonium reprocessing capabilities, a significant step that would help restore confidence that Iran can once again be a constructive member of the international community.

The choice is Iran's, but all nations are obliged to persuade Iran to make the right choice by escalating these issues in their own relations with it. Nations should also increase cooperation in efforts to fight proliferation, including interdictions of shipments under the Proliferation Security Initiative -- which exposed the A.Q. Khan network -- and the imposition of sanctions on entities

involved in WMD- or missile-related shipments to Iran. The U.S. hopes that Iran will comply with its most recent promises to suspend enrichment-related activity. But even if Iran does finally honor its commitments, for those who take international peace and security seriously, suspension is just a first step.

(Amb. Sanders led the U.S. delegations to the September and November 2004 IAEA Board of Governor meetings in Vienna.)

U.S. REMAINS STEADFASTLY COMMITTED TO LAWS PROHIBITING TORTURE

Justice Department memo called to attention of OSCE

A recently released U.S. Justice Department memorandum interpreting domestic law prohibiting torture reiterates that torture is “abhorrent both to American law and values, and to international norms,” U.S. diplomat Bruce Connuck told the Organization for Security and Cooperation in Europe (OSCE).

“Even in responding to attacks against it by terrorists, the U.S. Government remains steadfastly committed to upholding its obligations under international law relating to the prohibition of torture,” said Connuck addressing the OSCE’s Permanent Council January 28 in Vienna, Austria.

Connuck recalled President Bush’s publicly stated opposition to torture and commitment to lead the fight against it: “America stands against and will not tolerate torture. We will investigate and prosecute all acts of torture... in all territory under our jurisdiction.... Torture is wrong no matter where it occurs, and the United States will continue to lead the fight to eliminate it everywhere.”

The Justice Department memo interpreting U.S. domestic law prohibiting torture is available at <http://www.usdoj.gov/olc/dagmemo.pdf>

Following is the text of Connuck’s statement:

Update on U.S. Policy on Torture
As delivered by Political Counselor Bruce Connuck to the Permanent Council

Thank you, Mr. Chairman.

On December 30, 2004, the United States Department of Justice released a memorandum interpreting U.S. domestic law prohibiting torture. This memorandum replaces an August 2002 memorandum, which was discussed at the Human Dimension Implementation Meeting last October, and which had previously been withdrawn by the United States Government.

The new memorandum reiterates that torture is abhorrent, both to American law and values, and to international norms.

As President Bush stated in July 2004, “America stands against and will not tolerate torture. We will investigate and prosecute all acts of torture... in all territory under our jurisdiction.... Torture is wrong no matter where it occurs, and the United States will continue to lead the fight to eliminate it everywhere.”

U.S. authorities conduct vigorous investigations into all allegations of torture and abuse. The United States holds individual wrongdoers accountable based on a thorough review of all of the facts. At last October’s HDIM, we hosted a side-event at which we explained steps we have taken to improve policies and controls designed to prevent torture in military places of detention.

Even in responding to attacks against it by terrorists, the U.S. Government remains steadfastly committed to upholding its obligations under international law relating to the prohibition of torture.

The December 30 memorandum provides a straightforward and rigorous analysis of the U.S. torture statute. It defines torture clearly, and in a manner consistent with international law.

This memo has been released publicly and is available on the Internet. We have circulated the full text to OSCE delegations electronically.

We encourage other delegations to inform the Permanent Council of steps they are taking to prevent torture and to hold accountable officials who violate domestic law and international standards against torture.

Thank you, Mr. Chairman.